

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

New England District
 NAE-2004-1083

REGULATORY PROJECT MANAGER:

Marty Lefebvre Date: 11 May 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office __ (N) Date: _____
 At the project site (Y) Date: 11 May 2004

PROJECT LOCATION INFORMATION:

State: Vermont
 County: Franklin
 Center coordinates of site by latitude & longitudinal coordinates: 44.9216551 N; 73.1199346 W
 Approximate size of site/property (including uplands & in acres): 1.8 acres
 Name of waterway or watershed: Wetland

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.25								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary __ Or **Approved X.**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The 1.8-acre site is located off the east side of Dunning Street and is property formerly owned by the adjacent church. The site is bounded by the church, a cemetery, Dunning Street, and private homes. Most of the site is now mowed lawn, with the northern portion wooded. Vegetation in the mowed portion of the site was upland. In the wooded portion of the site, I noted sensitive fern and mosses in some areas of the understory. I also noted occasional buttressing of tree roots. After checking the soils, I concluded that there were scattered wetland patches in this wooded area. I estimated a maximum of about 0.25 acre of the site was probably wetland. A windshield survey of the surrounding neighborhoods revealed no ditches or culverts draining the site. A check of the USGS quadrangle indicated that the Missisquoi River was separated from the site by city streets and at least 600' from the site. The only other surface water shown on the quad was a small intermittent stream about 1300' north of the site. I concluded that the wetlands on the parcel were isolated and therefore not jurisdictional.